IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8630 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE A.R.DAVE
and
Hon'ble MR.JUSTICE D.A.MEHTA

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

@

HINDUSTAN COCA - COLA BEVERAGES PRIVATE LIMITED
Versus
UNION OF INDIA

Appearance:
1. Special Civil Application No. 8630 of 2002
NANAVATI ASSOCIATES for Petitioner No. 1-2
MR DN PATEL for Respondent No. 1
NOTICE SERVED BY DS for Respondent No. 2-4

CORAM : MR.JUSTICE A.R.DAVE
and
MR.JUSTICE D.A.MEHTA

Date of decision: 11/09/2002

ORAL JUDGEMENT

(Per : MR.JUSTICE A.R.DAVE)

Rule. Service of rule is waived by Shri D.N. Patel, learned Senior Central Government Standing Counsel for the respondents. At the request of the learned advocates, the petition is finally heard today.

2. Senior Advocate Shri K.S. Nanavati has submitted that an application submitted by Britco Food Co. Ltd. with regard to transfer of its unutilized modvat credit on capital goods amounting to more than Rs. 4 crores is pending with respondent No. 2. The said application was submitted on 20.2.1998 and in spite of several reminders sent to respondent No. 2, the said application has not been decided till today. It has been also submitted by him that on 20.2.1998 even Hindustan Coca-Cola Bottling SouthWest Pvt. Ltd. had also submitted a similar application to respondent No. 2.

3. In pursuance of notice issued by this court, learned Sr. Central Government Standing Counsel Shri D.N. Patel has appeared and has submitted that all possible efforts shall be made to see that the application, which is pending before respondent No. 2, is decided as soon as possible.

4. Looking to the fact that the application has been pending since February 1998, it would be just and proper to direct respondent No. 2 to decide the said application as soon as possible and the application shall be decided within a period of two weeks from the date of receipt of the writ or a certified copy of this order, whichever is earlier. It is hoped that while deciding the said application, the claim of the petitioner with regard to interest on the amount claimed shall also be decided by respondent No. 2

5. In view of this direction, the petition is disposed of as allowed. Rule is made absolute with no order as to costs.

Direct service is permitted.

(A.R. Dave, J.)

(D.A. Mehta, J.)

(hn)